

The Examiner has rejected all of the claims of the present application under 35 U.S.C. §103(a), based at in part on United States Patent No. 5,956,919 (McCracken). Presumably, the Examiner incorporates the '919 patent into §103, through 35 U.S.C. §102(e). However, Applicant respectfully points out that the '919 patent and the present application have the identical inventive entity, namely, Robert C. McCracken of Des Moines, Iowa. Furthermore, both the '919 patent and the present application have been assigned to the same entity, namely, Wilian Holding Co. of Des Moines, Iowa. Accordingly, the '919 patent does not qualify as prior art in that it is not "a patent granted on an application for patent by another filed in the United States . . ." 35 U.S.C. §102(e)(2) (emphasis added).

Additionally, since the '919 patent issued after the filing date of the present application it is not a reference under 35 U.S.C. §102(b), nor a reference under 35 U.S.C. §102(a) (in addition to the fact it is not the work of another).

Respectfully, based on the foregoing, Applicant requests the withdrawal of the rejection of the claims of the present application based on 35 U.S.C. § 103(a). The Applicant regards the present application, as a whole, in prima facie condition for allowance, and respectfully requests passage of the application into allowance.

The Applicant states that its failure to comment substantively on the Examiner's rejection should not be interpreted as either an acceptance or rejection of any position taken by the Examiner, and Applicant takes no such position with regard to any of the statements in the rejection. Applicant states only that its failure to comment on the rejection is based entirely on Applicant's belief that the rejection is procedurally lacking.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the application in an effort to reach a mutual agreement with respect to allowance of the present application if the Examiner deems the application not adequate for this purpose.

Respectfully submitted,

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